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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

13 RUSSELL KENT HIGGINS, an individual,
14 and TAMMY HIGGINS, an individual,

15 Plaintiffs,

16 v.

17 GUSTAVO WILSON, an individual; HAZEL
TRUCKING, LLC, a Utah limited liability
18 company; DOES I through X inclusive; and
ROE CORPORATIONS I through X, inclusive,

19 Defendants.

Case No. 2:19-cv-01145-APG-BNW

PRETRIAL ORDER

21 **After pretrial proceedings in this case,**

22 **IT IS ORDERED:**

23 **I.**

24 **This is an action for:**

25 Personal injuries sustained as a result of a tractor-trailer against tractor-trailer rear-end motor
26 vehicle collision. Plaintiffs seek monetary damages in an amount exceeding \$75,000, along with costs
27 of suit, attorney's fees, and pre- and post-judgment interest. Plaintiffs are Russell and Tammy Higgins,
28 husband and wife, and contend Defendants' negligence caused the accident, which caused personal

1 injury to Russell Higgins and loss of consortium to Tammy Higgins. Defendants accept liability for
2 the accident and agree Defendant Pio was in the course and scope of his employment, but dispute
3 causation and damages claimed by Plaintiff.

4 **II.**

5 **Statement of jurisdiction:**

6 Plaintiffs are, and at all relevant times were, residents of California. Defendant Pio is, and at
7 all relevant times was, a resident of Utah. Defendant Hazel Trucking, LLC is, and at all relevant
8 times was, a Utah limited liability company with its principal place of business in Utah. Plaintiffs are
9 seeking in excess of \$75,000. Accordingly, this Court has jurisdiction pursuant to 28 USC § 1332
10 and 28 USC § 1441.

11 **III.**

12 **The following facts are admitted by the parties and require no proof:**

13 Defendant Wilson Gustavo Pio ("Pio") was driving a 2010 Freightliner tractor trailer owned
14 by Defendant Hazel Trucking, LLC ("Hazel Trucking") on November 3, 2017. While driving Hazel
15 Trucking's tractor trailer, Defendant Pio was in an accident on Northbound Interstate 15, impacting
16 the back of a tractor trailer which was being driven by Plaintiff, Russell Kent Higgins ("Higgins").
17 Defendant Pio does not dispute that he hit the back of the semi-tractor trailer driven by Higgins.
18 Further, Defendant Hazel Trucking admits it is responsible for its driver Pio's conduct while driving
19 its tractor-trailer. Defendants do not dispute that the accident was caused by Pio's actions or inactions,
20 and additionally, that Plaintiff Higgins' actions or inactions did not cause or contribute to the accident.

21 **IV.**

22 **The following facts, though not admitted, will not be contested at trial by evidence to the**
23 **contrary:**

24 N/A.

25 **V.**

26 **The following are the issues of fact to be tried and determined at trial.**

- 27 1. The nature and extent of injuries Plaintiff Russell Higgins suffered as a result of the
28 subject collision.

2. The nature and extent of the reasonable and necessary past and future medical care needed to treat Plaintiff Russell Higgins' injuries.
3. The nature and extent of the loss of companionship, love, society, care, affection, sexual relations, and solace suffered by Plaintiff Tammy Higgins.
4. The nature and extent of Plaintiffs' damages.

VI.

The following are the issues of law to be tried and determined at trial.

None.

VII.

Exhibits

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:

The parties will work together to generate a list of stipulated exhibits.

(b) As to the following exhibits, the party against whom the same will be offered objects to their admission on the grounds stated:

Plaintiff's Exhibits

	DOCUMENT DESCRIPTION	BATE STAMP #
1.	Copy of Nevada Highway Patrol Accident Information Exchange and Traffic Crash Report Scene Information Sheet	HIGGINS000001-7
2.	Advanced Pain Specialists of Southern California Billing and Medical Records	HIGGINS000008-107
3.	Paul M. Goodman, MD Billing and Medical Records	HIGGINS000108-114
4.	David M. Kupfer Medical Billing and Medical Records	HIGGINS000115-147
5.	Mesa View Regional Hospital Billing and Medical Records	HIGGINS000148-162
6.	Pacific Orthopedic Specialists Billing and Medical Records	HIGGINS000163-487
7.	Thomas A. Schweller, MD Billing and Medical Records	HIGGINS000488-513
8.	San Jacinto Imaging MRI Video	HIGGINS000514
9.	Temecula Valley Advanced Imaging Report	HIGGINS000515-520
10.	Temecula Valley Advanced MRI Video	HIGGINS000521

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	DOCUMENT DESCRIPTION	BATE STAMP #
11.	Advanced Pain Specialists of Southern California Re-Evaluation Records	HIGGINS000522-703
12.	Accident Photos	HIGGINS000704-705
13.	12- second video	HIGGINS000707
14.	Plaintiff's Commercial Driver License	HIGGINS000708-709
15.	Orthopedic & Spine Institute of Los Angeles Medical and Billing Records	HIGGINS000710-726
16.	All Star Physical Therapy Medical and Billing Records	HIGGINS000727-893
17.	Frank Q. Tang, MD, FAAP, Inc. Medical and Billing Records	HIGGINS000894-912
18.	Anthony T. Fenison, M.D., Inc. Medical and Billing Records	HIGGINS000913-934
20.	Central Occupational Medicine Medical and Billing Records	HIGGINS000935-1013
21.	Healthpointe, Inc./Dr. Aaron R. Allen	HIGGINS001014-1047
22.	Orthopedic Spine Institute/Dr. Emmanuel P. Richard Billing Records	HIGGINS001048
23.	Western Imaging Medical Records	HIGGINS001049-1058
24.	Billing information from Dr. Kupfer	HIGGINS001059
25.	Billing information from Dr. Baker	HIGGINS001060
26.	Pacific Orthopaedic Specialists Medical and Billing Records	HIGGINS001061-1228
29.	Curtis R. Loeffler, DC Medical Records	HIGGINS001235-1277
30.	David M. Kupfer, MD Billing Records	HIGGINS001278-1284
31.	Gary L. Baker, MD Billing Records	HIGGINS001285-1299
32.	City of Mesquite Medical Records and Billing Records	HIGGINS001300-1305
33.	Align Networks/One Call Medical Records and Billing Records	HIGGINS001306-1388
35.	Paul M. Goodman, MD Billing Records	HIGGINS001390-1391
36.	Worker's Compensation Lien Letter Dated May 26, 2020	HIGGINS001392-1393
38.	DOT Medical Clearance Documents	HIGGINS001395-1403
39.	2016 Form 1040 U.S. Individual Tax Return	HIGGINS001404-1408

	DOCUMENT DESCRIPTION	BATE STAMP #
40.	2017 Form 1040 U.S. Individual Tax Return	HIGGINS001409-1413
41.	2018 Form 1040 U.S. Individual Tax Return	HIGGINS001414-1425
42.	W-2 Tammy Higgins	HIGGINS001426-1427
43.	David M. Kupfer, MD Billing Records	HIGGINS001428-001434
44.	David M. Kupfer, MD Medical Records	HIGGINS001435-001519
46.	Western Imaging Billing (DOS: 9/6/19 to 9/7/19)	HIGGINS001521
47.	2019 Form 1040 U.S. Individual Tax Return	HIGGINS001522-001541
48.	Medical Examiner's Report Form and Medical Examiner's Certificate	HIGGINS001542-001546
49.	Higgins RV Transport, LLC 2020 1099-NEC	HIGGINS001547
50.	Audio Recording of 08/25/2020 IME Exam of Plaintiff	HIGGINS001548
51.	Video-Recorded Deposition Transcript of David L. Ginsburg, MD	HIGGINS001549-1774
52.	Kenny E. Hanna, M.D. Initial Expert Report dated November 15, 2020, CV, Fee Schedule, List of Publications	No bates
53.	David L. Ginsburg, M.D. Initial Expert Report dated September 4, 2020, CV, Fee Schedule, List of Publications	HT02721-02748

Plaintiffs may offer at trial certain exhibits for demonstrative purposes including, but not limited to, the following:

1. Actual diagnostic studies and computer digitized diagnostic studies;
2. Diagrams, drawings, pictures, photos, film, video, DVD and CD ROM of various parts of the human body;
3. Computer simulation and similar forms of computer visualization;
4. Maps, PowerPoint images, drawings, diagrams, animations, story boards or models of the related incident, parties involved, location of the incident and what occurred at the incident;
5. Medical treatment timeline;
6. PowerPoint images, blow-ups, transparencies, digitized images of medical records, medical bills, photographs and other exhibits;
7. Models of the human body related to Plaintiff's claimed injuries;
8. Any and all MRI films and studies;
9. Animation of the accident;

10. Animation of the anatomy involved;

11. Exemplars, models, or pictures of the surgical hardware/implantation devices used or expected to be used in the care and treatment of Plaintiff.;

12. PowerPoint images and blowups of deposition transcripts, discovery responses, and jury instructions.

Plaintiffs further reserve the right to utilize any documents produced by Defendants during discovery, or utilize any exhibits listed herein by other parties to this action. Plaintiffs reserve the right to utilize and/or seek to publish and/or admit into evidence all deposition testimony, all affidavits filed or attached to any motion or pleading in this case, and all responses to discovery from any party in this case.

(c) As to the following exhibits, the party against whom the same will be offered objects to their admission on the grounds stated:

Defendants' Exhibits

	DOCUMENT DESCRIPTION	BATE STAMP #
A.	Plaintiffs' Complaint	HT00001 HT00007
B.	Defendants' Answer to Complaint	HT00008 - HT00015
C.	State of Nevada Traffic Crash Report Crash Number: NHP171100235	HT00016 - HT00031 (Withdrawn)
D.	Recovery Services International, Inc. Workers Compensation Lien	HT00032 - HT00035
E.	Claims Services, Inc. Subrogation Documentation property damage to McLane Company, Inc. vehicle/trailer – estimate and photos	HT00037 – HT00040 HT00047 HT00065 (TAR withdrawn)
F.	ISO ClaimSearch	HT00066 - HT00087
G.	Estimate – Hazel Trucking LLC vehicle	HT00109 – HT00111 HT00113- HT00116

	DOCUMENT DESCRIPTION	BATE STAMP #
		HT00136- HT00140
H.	Policy of Insurance	HT00141 - HT00193 (Withdrawn)
I.	Hazel Trucking, LLC Articles of Organization	HT00194 - HT00195
J.	Hazel Trucking, LLC - State of Utah, Department of Commerce, Division of Corporations, Business Renewal 2017	HT00196
K.	Defendant's Amended Answer to Plaintiffs' Complaint and Jury Demand	HT00197 - HT00204
L.	Driver's Daily Log (10/27/17 to 11/03/17)	HT00205 – HT00212
M.	Records of Pacific Orthopaedic Specialists	HT00736 – HT00879
N.	Records of Advanced Pain Specialist of SoCal	HT00880 – HT01268
O.	Records of Anthony T. Fenison, MD / AFT Orthopedics	HT01269 – HT01271
P.	Records of CVS Pharmacy	HT01272 – HT01277
Q.	Records of Frank Tang, MD	HT01278 – HT01308
R.	Records of Healthpointe Medical Group	HT01309- HT01374
S.	Records of Hillcrest Ear, Nose & Throat / Paul Goodman, MD	HT01375- HT01381
T.	Records of MAX MRI Imaging	HT01382 HT01403
U.	Records of Mercury Insurance Company	HT01404- HT01408
V.	Records of Pacific Orthopaedic Specialists – Custodian of Records Certification	HT01409 HT01410 HT01941- HT02084
W.	Records of Radnet, Inc.	HT01411
X.	Records of Rancho Physical Therapy	HT01412 HT01518
Y.	Records of State of California – Division of Workers Compensation – Primary Treating Physician's Progress Report (PR-2)	HT01519- HT01538
Z.	Records of Temecula 24 Hour Urgent Care	HT01539- HT01547
AA.	Records of Thomas A. Schweller, MD / Spruce Medical Management	HT01548- HT01634

	DOCUMENT DESCRIPTION	BATE STAMP #
BB.	Records of Walgreens	HT01635- HT01685
CC.	Records of HealthScan Imaging	HT01686 - HT01692
DD.	Records of State of California – Division of Workers Compensation – Appeal Board	HT01693- HT01773
EE.	Nevada Department of Public Safety Law Enforcement: Dispatch Unit Transmission Recordings	HT01774 – HT01793
FF.	Medical Records of ATF Orthopedics	HT01794- HT01813
GG.	Records of Nevada Highway Patrol 19 Color Photos	HT01814- HT01832
HH.	Records of Mesa View Regional Hospital	HT01833- HT01850
II.	Records of Freightliner of Utah / Premier Truck Group	HT01851- HT01859
JJ.	COMP / Central OCC Medical	HT01860- HT01940
KK.	Records of RMM Orthopedics	HT02085- HT02126
LL.	Records of Central Occupational Medicine Providers – Ontario	HT02127- HT02202
MM.	Records of One Call / Align Networks, Inc	HT02203- HT02562
NN.	Records of St. Jude Medical Center	HT02563- HT02593
OO.	Records of Aaron Allen, MD	HT02594- HT02625
PP.	Records of Advanced Pain Specialist of SoCal / Gary Baker, MD	HT02626- HT02655
QQ.	Records of UCSD Surgical Center	HT02656- HT02720
RR.	Report of David L. Ginsberg, MD Dated 09/04/20	HT02721- HT02736
SS.	David L. Ginsberg, MD Testimony List	HT02737
TT.	David L. Ginsberg, MD Curriculum Vitae	HT02738- HT02747
UU.	David L. Ginsberg, MD Fee Schedule	HT02748
VV.	Records of Robert J. Klopp, PT	HT02749- HT02917
WW.	Records of ESIS	HT02918- HT05626

	DOCUMENT DESCRIPTION	BATE STAMP #
XX.	Records of Horizon Transport	HT05627- HT05868
YY.	Records of Orthopedic and Spine Institute of Los Angeles	HT05869- HT05906
ZZ.	Supplemental report of David L. Ginsberg, MD dated 11/06/20	HT05907- HT05910
AAA.	Records of Horizon Transport, LLC (part II)	HT05911- HT05918
BBB.	Records of BCBS of Texas	HT05919- HT05923
CCC.	Supplemental report of David L. Ginsberg, MD dated 11/30/20	HT05924- HT05925
DDD.	Certificate of No Records from Acupuncture Longevity Center	HT05926- HT05927
EEE.	Records of Horizon Transport	HT05928- HT06087
FFF.	Records of Frank Tang, MD	HT06088- HT06092
GGG.	Job File of David L. Ginsberg, MD	HT06093
HHH.	Job File of David L. Ginsberg, MD Supplemental documents	HT06094
III.	Supplemental report of David L. Ginsberg, MD dated 04/22/21	HT06095- HT06096
JJJ.	Riverside County Sheriff's Incident Report - File No. ME192690031 for date of 09/26/2019	HT06097- HT06105
KKK.	Align Networks/One Call Medical Records and Billing Records - Records of Health Direct, Inc.	HIGGINS001358- HIGGINS001361

Defendants may offer at trial certain exhibits for demonstrative purposes including, but not limited to, the following:

1. Actual diagnostic studies and computer digitized diagnostic studies;
2. Diagrams, drawings, pictures, photos, film, video, DVD and CD ROM of various parts of the human body;
3. Computer simulation and similar forms of computer visualization;
4. Maps, PowerPoint images, drawings, diagrams, animations, story boards or models of the related incident, parties involved, location of the incident and what occurred at the incident;
5. Medical treatment timeline;

- 1 6. PowerPoint images, blow-ups, transparencies, digitized images of medical records,
- 2 medical bills, photographs and other exhibits;
- 3 7. Models of the human body related to Plaintiff's claimed injuries;
- 4 8. Any and all MRI films and studies;
- 5 9. Animation of the accident;
- 6 10. Animation of the anatomy involved;
- 7 11. Exemplars, models, or pictures of the surgical hardware/implantation devices used or
- 8 expected to be used in the care and treatment of Plaintiff.;
- 9 12. PowerPoint images and blowups of deposition transcripts, discovery responses, and jury
- 10 instructions.
- 11 Defendants further reserve the right to utilize any documents produced by Plaintiffs during
- 12 discovery, or utilize any exhibits listed herein by other parties to this action. Defendants further
- 13 reserve the right to utilize and/or seek to publish and/or admit into evidence all deposition testimony,
- 14 all affidavits filed or attached to any motion or pleading in this case, and all responses to discovery
- 15 from any party in this case.
- 16 **A. Objections to Exhibits**
- 17 As to the following exhibits, the party against whom the same will be offered
- 18 objects to their admission upon grounds stated:

19 **1. Objections to Plaintiffs' Exhibits:**

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EX.	DESCRIPTION OF EXHIBIT	BATES NUMBERS	OBJECTION
1.	Copy of Nevada Highway Patrol Accident Information Exchange and Traffic Crash Report Scene Information Sheet	HIGGINS000001-7	Hearsay
2	Advanced Pain Specialists of Southern California Billing and Medical Records	HIGGINS000013	Hearsay as to yellow highlighting of text of unknown origin – highlighting to be removed
3	Paul M. Goodman, MD Billing and Medical Records	HIGGINS000109	Hearsay as to yellow highlighting of text of unknown origin – highlighting to be removed
6	Pacific Orthopedic Specialists Billing and Medical Records	HIGGINS000232- HIGGINS000234 HIGGINS000292- HIGGINS000294 HIGGINS000330 HIGGINS000333 HIGGINS000335 HIGGINS000344 HIGGINS000475	Hearsay as to yellow highlighting of text of unknown origin – highlighting to be removed
7	Thomas A. Schweller, MD Billing and Medical Records	HIGGINS000506 HIGGINS000509 HIGGINS000511	Hearsay as to yellow highlighting of text of unknown origin – highlighting to be removed
13	Photos of the Incident from St. George, UT news writer	HIGGINS00706	Hearsay
26	Pacific Orthopaedic Specialists Medical and Billing Records	HIGGINS001206	Hearsay as to sticky note on bottom left corner of unknown origin– must be redacted
32	City of Mesquite Medical Records and Billing Records	HIGGINS001301 HIGGINS001303	Hearsay as to “Narrative” descriptions of accident

33	Align Networks/One Call Medical Records and Billing Records	HIGGINS001309-HIGGINS001355 HIGGINS001362-HIGGINS001376	Hearsay – records are illegible gibberish
46	Western Imaging Billing (DOS: 9/6/19 to 9/7/19)	HIGGINS001521	Billing unrelated to subject accident

1. Objections to Defendants' Exhibits:

	DOCUMENT DESCRIPTION	BATE STAMP #	OBJECTION
A.	Plaintiffs' Complaint	HT00001 HT00007	
B.	Defendants' Answer to Complaint	HT00008 - HT00015	
C.			
D.	Recovery Services International, Inc. Workers Compensation Lien	HT00032 - HT00035	Foundation; Authentication; Hearsay; Relevance; Substantially more prejudicial than probative; Collateral Source.
E.	Claims Services, Inc. Subrogation Documentation property damage to McLane Company, Inc. vehicle/trailer – estimate and photos	HT00037 – HT00040 HT00047 HT00065 (Traffic Accident Report Excluded)	Foundation; Authentication; Hearsay; Relevance; Substantially more prejudicial than probative; Collateral Source.
F.	ISO ClaimSearch	HT00066 - HT00087	Foundation; Authentication; Hearsay; Relevance; Substantially more prejudicial than probative; Relevance.
G.	Estimate – Hazel Trucking LLC vehicle	HT00109 – HT00111 HT00113- HT00116	Foundation; Authentication; Hearsay; Relevance; Substantially more prejudicial than

	DOCUMENT DESCRIPTION	BATE STAMP #	OBJECTION
		HT00136- HT00140	probative.
I.	Hazel Trucking, LLC Articles of Organization	HT00194 - HT00195	Relevance.
J.	Hazel Trucking, LLC - State of Utah, Department of Commerce, Division of Corporations, Business Renewal 2017	HT00196	Relevance
K.	Defendant's Amended Answer to Plaintiffs' Complaint and Jury Demand	HT00197 - HT00204	
L.	Driver's Daily Log (10/27/17 to 11/03/17)	HT00205 – HT00212	Relevance; Foundation;
M.	Records of Pacific Orthopaedic Specialists	HT00736 – HT00879	Foundation; Hearsay.
N.	Records of Advanced Pain Specialist of SoCal	HT00880 – HT01268	
O.	Records of Anthony T. Fenison, MD / AFT Orthopedics	HT01269 – HT01271	Foundation; Hearsay.
P.	Records of CVS Pharmacy	HT01272 – HT01277	Foundation; Hearsay.
Q.	Records of Frank Tang, MD	HT01278 – HT01308	Foundation; Hearsay.
R.	Records of Healthpointe Medical Group	HT01309- HT01374	Foundation; Hearsay.
S.	Records of Hillcrest Ear, Nose & Throat / Paul Goodman, MD	HT01375- HT01381	
T.	Records of MAX MRI Imaging	HT01382 HT01403	
U.	Records of Mercury Insurance Company	HT01404- HT01408	Relevance
V.	Records of Pacific Orthopaedic Specialists – Custodian of Records Certification	HT01409 HT01410 HT01941- HT02084	Foundation; Hearsay.
W.	Records of Radnet, Inc.	HT01411	Foundation; Hearsay.
X.	Records of Rancho Physical Therapy	HT01412 HT01518	Foundation; Hearsay.

	DOCUMENT DESCRIPTION	BATE STAMP #	OBJECTION
Y.	Records of State of California – Division of Workers Compensation – Primary Treating Physician’s Progress Report (PR-2)	HT01519- HT01538	Foundation; Hearsay.
Z.	Records of Temecula 24 Hour Urgent Care	HT01539- HT01547	Foundation; Hearsay.
AA.	Records of Thomas A. Schweller, MD / Spruce Medical Management	HT01548- HT01634	
BB.	Records of Walgreens	HT01635- HT01685	Foundation; Hearsay.
CC.	Records of HealthScan Imaging	HT01686 - HT01692	Foundation; Hearsay.
DD.	Records of State of California – Division of Workers Compensation – Appeal Board	HT01693- HT01773	Foundation; Substantially more prejudicial than probative; Hearsay.
EE.	Nevada Department of Public Safety Law Enforcement: Dispatch Unit Transmission Recordings	HT01774 – HT01793	Relevance; Hearsay; Foundation.
FF.	Medical Records of ATF Orthopedics	HT01794- HT01813	Foundation; Hearsay
GG.	Records of Nevada Highway Patrol 19 Color Photos	HT01814- HT01832	
HH.	Records of Mesa View Regional Hospital	HT01833- HT01850	
II.	Records of Freightliner of Utah / Premier Truck Group	HT01851- HT01859	Foundation; Hearsay; Relevance
JJ.	COMP / Central OCC Medical	HT01860- HT01940	Foundation; Hearsay.
KK.	Records of RMM Orthopedics	HT02085- HT02126	Foundation; Hearsay.
LL.	Records of Central Occupational Medicine Providers – Ontario	HT02127- HT02202	Foundation; Hearsay.
MM.	Records of One Call / Align Networks, Inc	HT02203- HT02562	Foundation; Hearsay.

	DOCUMENT DESCRIPTION	BATE STAMP #	OBJECTION
NN.	Records of St. Jude Medical Center	HT02563- HT02593	Foundation; Hearsay.
OO.	Records of Aaron Allen, MD	HT02594- HT02625	Foundation. Hearsay.
PP.	Records of Advanced Pain Specialist of SoCal / Gary Baker, MD	HT02626- HT02655	
QQ.	Records of UCSD Surgical Center	HT02656- HT02720	Foundation; Hearsay.
RR.	Report of David L. Ginsberg, MD Dated 09/04/20	HT02721- HT02736	Hearsay.
SS.	David L. Ginsberg, MD Testimony List	HT02737	Hearsay.
TT.	David L. Ginsberg, MD Curriculum Vitae	HT02738- HT02747	Hearsay.
UU.	David L. Ginsberg, MD Fee Schedule	HT02748	
VV.	Records of Robert J. Klopp, PT	HT02749- HT02917	Foundation; Hearsay.
WW.	Records of ESIS	HT02918- HT05626	Hearsay; Duplicative; Foundation.
XX.	Records of Horizon Transport	HT05627- HT05868	Foundation; Hearsay.
YY.	Records of Orthopedic and Spine Institute of Los Angeles	HT05869- HT05906	Foundation; Hearsay.
ZZ.	Supplemental report of David L. Ginsberg, MD dated 11/06/20	HT05907- HT05910	Hearsay.
AAA.	Records of Horizon Transport, LLC (part II)	HT05911- HT05918	Foundation; Hearsay.
BBB.	Records of BCBS of Texas	HT05919- HT05923	Foundation; Hearsay.
CCC.	Supplemental report of David L. Ginsberg, MD dated 11/30/20	HT05924- HT05925	Hearsay.
DDD.	Certificate of No Records from Acupuncture Longevity Center	HT05926- HT05927	Hearsay; Relevance; Foundation.
EEE.	Records of Horizon Transport	HT05928- HT06087	Hearsay; Foundation.

	DOCUMENT DESCRIPTION	BATE STAMP #	OBJECTION
FFF.	Records of Frank Tang, MD	HT06088- HT06092	Hearsay; Foundation.
GGG.	Job File of David L. Ginsberg, MD	HT06093	Hearsay.
HHH.	Job File of David L. Ginsberg, MD Supplemental documents	HT06094	Hearsay.
III.	Supplemental report of David L. Ginsberg, MD dated 04/22/21	HT06095- HT06096	
JJJ.	Riverside County Sheriff's Incident Report - File No. ME192690031 for date of 09/26/2019	HT06097- HT06105	Hearsay; Foundation; Authentication; Substantially more prejudicial than probative.

(c) Electronic Evidence:

Plaintiffs will submit electronic evidence to the jury for purposes of deliberation.

Defendants may also submit electronic evidence to the jury for purposes of deliberation.

(d) Depositions:

(1) Plaintiffs will offer the following depositions:

Plaintiffs intend to offer live testimony of designated witnesses at trial, and in the event of unavailability will also present deposition testimony from: Russell Kent Higgins; Tammy Higgins; Wilson Gustavo Pio; Jarrod Johnson, MD; David Ginsburg, MD; Richard I. Woods, M.D.; and Thomas Schweller, M.D.

(2) Defendants will offer the following depositions:

Defendants may also present deposition testimony, if any of the witnesses are not available for trial and as identified by Plaintiff. Defendants will also present for purposes of rebuttal the deposition testimony from: Russell Kent Higgins.

The parties agree to provide page and line designations of witnesses' deposition testimony that will be played or read in at trial no later than ten (10) judicial days prior to the first day of trial. If for some reason, this deadline is not possible, the parties will meet and confer in good faith to accommodate any late designation, as well as any rebuttal designation, if necessary.

(e) Objections to Depositions and Deposition Designations:

1. Plaintiff designates the following pages and lines from the respective depositions, and Defendant objects as follows:

DEPONENT	PAGE(S) AND LINE(S)	OBJECTION
Thomas Schweller, M.D.	6:25-7:12 7:17-8:9 8:16-9:3 9:17-10:8 10:19-11:8 12:12-24 13:5-17 14:4-7 14:22-15:13 16:14-20 16:25-22:21 25:12-27:16 31:20-32:8 38:15-20 39:15-41:16 45:3-14 46:13-17 48:15-50:22 52:7-23 55:2-6 55:12-15 58:9-18 59:20-22 61:15-62:2 62:24-63:10 63:18-65:7 68:15-19 71:20-72:14 89:21-90:2	
David Ginsburg, M.D.	9:16-21 13:17-20 14:2-4 14:20-15:1 21:3-6 21:11-13 21:22-23:10 23:11-17 24:10-13 24:14-20 25:1-4 25:15-26:5 28:3-8 33:22-34:8 37:24-38:5 38:22-39:6	

DEPONENT	PAGE(S) AND LINE(S)	OBJECTION
Jarrold Johnson, D.O.	7:20-25 8:14-9:13 9:18-10:7 13:1-11 14:1-16 18:4-22:19 23:6-24:13 25:3-27:8 27:21-28:10 29:6-30:14 31:4-32:21 33:12-16 42:9-24 50:17-51:11	
Richard Woods, M.D.	5:21-6:3 38:22-42:2 42:9-46:18 46:24-47:11 47:15-48:20 49:2-50:20	

2. Defendants will designate their pages and lines from the respective depositions no later than ten (10) judicial days prior to the first day of trial:

DEPONENT	PAGE(S) AND LINE(S)	OBJECTION

VIII.

The following witnesses may be called by the parties at trial:

(a) Provide names and addresses of plaintiff's witnesses.

1. RUSSELL KENT HIGGINS
c/o Panish Shea & Boyle, LLP
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
702.560.5520
2. TAMMY HIGGINS
c/o Panish Shea & Boyle, LLP
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
702.560.5520
3. WILSON GUSTAVO PIO NUNEZ
c/o Stephenson & Dickinson, P.C.

PANISH SHEA & BOYLE LLP

8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
702.560.5520 phone • 702.975.2515 fax

- 1 2820 West Charleston Blvd., Suite B-17
2 Las Vegas, Nevada 89102
3 702.474.7229
- 4 4. Kenny Hanna, M.D.
5 1101 Bayside Drive, Suite 100
6 Corona Del Mar, CA 92625
7 833-753-3435
- 8 5. David L. Ginsburg, M.D.
9 851 S. Rampart Blvd.
10 Suite 115
11 Las Vegas, NV 89145
- 12 6. Claudia Amaya
13 Senior Human Resources Specialists
14 McLane, Inc.
15 14813 Meridian Parkway
16 Riverside California 92518
- 17 7. Jarrod Johnson, M.D.
18 Mesa Regional Hospital
19 Emergency Department
20 1299 Bertha Howe Avenue
21 Mesquite, Nevada 89027
22 702.346.8040
- 23 8. Gary L. Baker, M.D.
24 Advanced Pain Specialists of Southern CA
25 5750 Downey Avenue, Suite 306
26 Lakewood, CA 90712
27 808.227.3010
- 28 9. Paul M. Goodman, M.D.
4033 Third Avenue, Suite 104
San Diego, CA 92103
619.294.2350
10. David M. Kupfer, M.D.
5395 Ruffin Road, Suite 201
San Diego, Ca 92123
858.560.0242
11. Richard I. Woods, M.D.
Pacific Orthopedic Specialists
2010 East First Street, Suite 200
Santa Ana, CA 92705
714.547.5500
12. Thomas A. Schweller, M. D.
25495 Medical Center Drive, Suite 303
Murrieta, CA 92562
951.781.0440

13. Robert W. Hennessy, M.D.
Ken A. Takemoto, M.D.
Kajal Gupta, M.D.
Robert J. Klopp, RPT
4300 Central Ave.
Riverside, CA 92506

14. Curtis R. Loeffler, DC
912 East Acacia Avenue
Hemet, CA 92543
951.658.1900

15. William T. Black
Michael Wangler
John Gately
Mesquite Fire Rescue
1299 Bertha Howe Avenue
Mesquite NV, 89027

(b) Provide names and addresses of Defendants' witnesses.

Defendants incorporate the list of witnesses as identified above by Plaintiffs.

IX.

The attorneys or parties have met and jointly offer these three trial dates:

1. October 4, 2021; 2. September 20, 2021; 3. September 27, 2021

It is expressly understood by the undersigned that the court will set the trial of this matter on one of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's calendar.

X.

It is estimated that the trial will take a total of 5 days.

APPROVED AS TO FORM AND CONTENT:

/s/ Adam Ellis, Esq.

Signature of Attorney for Plaintiff

/s/ Marsha L. Stephenson

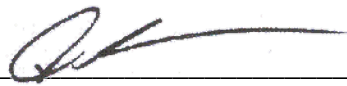
Signature of Attorney for Defendants

XI.

ACTION BY THE COURT

This case is set for jury trial on the stacked calendar on September 27, 2021 at 9:00 a.m. in Courtroom 6C. Calendar call will be held on September 21, 2021 at 9:00 a.m. by videoconference.

DATED: August 9, 2021.


UNITED STATES DISTRICT JUDGE

NOTICE: Due to the unusually large number of complex criminal cases set for lengthy trials before this Court, civil trials may possibly be held in a trailing status for months or be assigned to another District Court Judge for trial. Therefore, the Court strongly urges the parties to consider their option to proceed before a Magistrate Judge pursuant to Local Rule IB 2-2, in accordance with 28 USC Section 636 and FRCP 73.

The Clerk shall provide the parties with a link to AO 85 Notice of Availability, Consent and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge form on the Courts website.